

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46089 of 2018

Arising Out of PS.Case No. -211 Year- 2017 Thana -DAGARUA District- PURNIA

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1. Wahab, S/o Md. Ishaque,
 2. Maheb S/o Md. Ishaque,
 3. Sahabuddin S/o Md. Ishaque,
 4. Md. Ishaque S/o late Tafeizul,
 5. Afsar S/o Ekram, All R/o Vill.- Murajpura, P.S.- Dagarua, Distt.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 11-09-2018 Heard learned counsel for the petitioners as well as learned APP.

It has been submitted at the end of petitioners that both the parties are own brothers. There happens to be land dispute. Both sides sustained injuries and for that, both sides have registered criminal cases against each other. So far present case is concerned, it bears Dagaure PS Case No. 211/2017 while at the end of petitioners, Dagaure PS Case No. 212/2017 has been instituted on 18.12.2017. In the aforesaid background, it has been submitted that manner of occurrence whatsoever alleged by the informant happens to be twisted version concealing the real genesis and in the aforesaid background coupled with delay in institution of the case, it happens to be a fit case whereunder



petitioners should be granted anticipatory bail.

It has also been submitted that allegation has been attributed against one Feroz who is not the petitioner. So, considering the nature of allegation inconsonance with the injury having been sustained by the respective injured coupled with the fact that petitioners have also sustained injury at the end of prosecution party, it happens to be a fit case wherein petitioners should be allowed to avail privilege of anticipatory bail.

Learned APP opposed the prayer for bail.

Informant, Md. Unus filed a written report on 18.12.2017 disclosing therein that on 14.12.2017 at about 7.30 PM as prefixed Panchayati was deferred whereupon, they were returning to their house and as soon as reached near the house of Md. Mahfooz, Md. Wahab, Maheb, Shahabuddin, Md. Ishaque, Md. Feroz, Md. Afsar, Feroza Khatoon, Akbari Khatoon, Nursadi, Sakina came and began to assault. Md. Wahab had inflicted rod blow over his head while his son, Riyazuddin was given repeated sword blows over his head, his grandson Bablu was also assaulted with sword. Shahabuddin had assaulted Wadood with sword repeatedly. Maheb had caught hold of Sammat and then Afsar gave Dabia blow over left fore-arm. They have also threatened that unless and until Rs. 50,000/- is paid as Rangdari, Panchayati



would not be allowed.

From the injury report, it is evident that Riyazuddin had sustained grievous injury while Md. Bablu, Md. Wadood simple in nature. The nature of injury relating to Md. Unus as well as Md. Sammat has been kept reserved. Presence of counter case is indicative of the fact that an occurrence took place and for that, there happens to be version and counter version. Furthermore, allegation having been made is found corroborated with injury report. That being so, prayer for anticipatory bail is rejected.

Petitioners are directed to surrender before the learned lower court within four weeks with a prayer for regular bail and the learned lower court will consider it on its own merit without being prejudiced by the instant order.

(Aditya Kumar Trivedi, J)

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